

*12/18/03*  
*9/1/03*

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kesayoshi IGUCHI et al.

Serial No.: 09/783,978

Group Art Unit: 3627

Filed: February 16, 2001

Examiner: Lynda C. Jasmin

For: METHOD AND APPARATUS FOR RECEIVING AN ORDER FOR  
GOODS AND DRIVE-THROUGH SYSTEM WITH THE APPARATUS

RESPONSE TO RESTRICTION AND  
ELECTION OF SPECIES REQUIREMENTS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED  
DEC 11 2003  
GROUP 3600

Sir:

In response to the Office Action mailed September 30, 2003, applicants hereby provisionally elect, with traverse, to prosecute the claims of Group I (claims 1 and 11) in this application. During a telephone discussion with the Examiner on October 3, 2003, she informed the undersigned that the claims of Group I should be claims 1 and 11 rather than claims 1 and 3 recited in the Office Action. The election is made based upon the revised claim alignment. (It is noted also that the Examiner said Group V is properly composed of claims 7, 9, 17, and 19.)

Serial No.: 09/783,978

Applicants also hereby provisionally elect, with traverse, Species I (Figures 1-7) for initial examination in this application. Figure 8 was listed in the Office Action as belonging to both Species I and Species II; applicants believe Figure 8 does not properly fall within Species I and therefore have designated Figures 1-7 in their election here. No present claim is generic to all species identified in the Office Action.

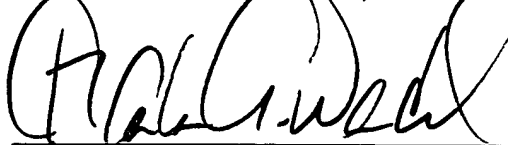
However, applicants respectfully traverse both the restriction requirement and election of species requirement since the subject matter of all of claims 1-20 is sufficiently related that a thorough and complete search for the subject matter of the elected claims would necessarily encompass a thorough and complete search for the subject matter of the non-elected claims. Search and examination of the entire application could be made without serious burden. See MPEP §803 which clearly states that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits." This policy should apply in the present application to avoid unnecessary

Serial No.: 09/783,978

delay and expense to applicants and duplicative examination by the  
Patent Office.

Respectfully submitted,

PARKHURST & WENDEL, L.L.P.



Charles A. Wendel

Registration No. 24,453

December 8, 2003  
Date

CAW/mhs

Attorney Docket No.: PADE:060

PARKHURST & WENDEL, L.L.P.  
1421 Prince Street, Suite 210  
Alexandria, Virginia 22314-2805  
Telephone: (703) 739-0220